



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2300150
Applicant Name: Doina Frentescu for Cingular Wireless
Address of Proposal: 6500 25th Avenue N.E.

SUMMARY OF PROPOSED ACTION

Master use permit to establish use for future installation of a minor communication utility (Cingular Wireless) consisting of two (6) panel antennas within four antenna shrouds located on the roof of an existing apartment building. Project includes equipment cabinet to be located in the basement.

The following approvals are required:

Administrative Conditional Use (23.57.011) - to allow a minor communication utility in a residential Lowrise 3 (L3) zone.

SEPA - Environmental Determination - *Chapter 25.05*, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject property is located in a Multi-Family Residential Lowrise 3 (L3) zone at 6500 25th Avenue N.E. The site is at the N.E. corner of 65th Avenue N.E. and N.E. 25th Street.

The site is developed with an existing three (3) story apartment building (not including the daylight basement) and an associated parking area. The surrounding zoning and uses are:

North: Multi-family residential, L3 zone adjacent and Single Family 5000 beyond
East: Multi-Family residential, L3 zone adjacent and Single Family 5000 beyond
South: Single Family residential, SF 5000 zone
West: Commercial, Neighborhood Commercial 2 with 40' height limit (NC2-40).

Proposal Description

Master use permit to establish use for installation of a minor communication utility (Cingular Wireless) on the roof of an existing apartment building. Project includes six rooftop antennas to be enclosed in square shaped fiberglass shroud resembling a chimney and painted a brick color to match the building. The equipment cabinet will be located in the basement.

The top of the proposed minor utility and screening is proposed at 42.88 ft. above existing grade. The height limit for the L3 zone is thirty (30) feet above grade and may extend to 35 feet with a pitched roof. Approval through an Administrative Conditional Use Permit is required for both locating a minor communication utility in a residential zone and for constructing minor communication utilities that exceed the height limit of the zone.

Public Comment

The public comment period for this project ended May 28, 2003. DCLU received five comment letters during the comment period. One letter was in favor of the proposal in hopes of receiving a more reliable signal from home. Other comment letters expressed concerns about appropriateness of antennas in residential zones. Another provided suggestions of screening and location of antennas. Other concerns included visual pollution and health effects.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multi-Family zone as an Administrative Conditional Use subject to the requirements and conditioning considerations of this Section enumerated below.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered*

shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

According to the plans, the antennas will conform to codified requirements regarding setbacks and visual impacts (SMC 23.57.011). To provide for the least intrusive facility in a low rise neighborhood, the proposed antenna cables, electric and phone lines from the ground equipment to the roof top will be integrated into the design of the building and the antennas will be screened by a square shroud resembling a chimney that will completely obscure the antennas from view from any direction. The applicant's plans depict integration of the screening facility into the architectural design of the existing building via a brick screen color that would generally match the color of the host building. The screening of the antennas will reflect the material and design to that of a residential chimney.

Some views from neighboring residential structures may be altered by the presence of the facility. The applicant has provided photographically simulated evidence suggesting that the visual intrusion would be minor.

The proposed minor communication utility is not likely to result in substantially detrimental compatibility impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once it is constructed, and cell phone coverage in the area will be improved which will likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be confined to the basement. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

According to the plans submitted, the proposed antennas will be entirely screened from view and will be as inconspicuous as possible, within the parameters of the SMC, while remaining functionally effective. Therefore, the proposal complies with this criterion.

23.57.016 Visual Impacts and Design Standards:

- A. *Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.*

The applicant's plans depict integration of the screening facility into the architectural design of the existing building by proposing screen shapes similar to that of a square chimney and by proposing a brick screen color that generally match the color of the host building. Therefore, the proposal complies with this criterion.

- B. *If mounted on a pitched roof, facilities shall be screened by materials that maintain the pitch of the roof, matching color and texture as closely as possible, or integrated with and enclosed within structures such as dormers or gables compatible with the roof design.*

Existing structure does not have a pitched roof so this is not applicable.

- C. *If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Said screening shall be integrated with architectural design, material, shape and color. Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures shall be no taller than such structures.*

The applicant's plans depict screening that extends to the top of the proposed facilities. Integration of the screening facility into the architectural design of the existing building is proposed via screen shapes similar to that of square chimneys and by using brick colored screening that generally blends with the color of the host building.

- D. *Facilities that are side-mounted on buildings shall be integrated with architectural elements such as window design or building decorative features, or screened by siding or other materials matching the building exterior, or otherwise be integrated with design, material, shape, and color so as to not be visibly distinctive. In general, antennas shall be as unobtrusive as practicable, including the use of non-reflective materials. Installations on the primary building facade shall be allowed only if roof, ground-mounted, or secondary facade mounted installation is technically unfeasible.*

Not applicable

- E. *Satellite dishes that are not located on freestanding transmission towers shall be screened to the top of the dish on at least three (3) sides and shall be enclosed in the direction of the signal to the elevation allowed by the azimuth of the antenna. If screening on the remaining side is not to the top of the antenna, the antenna and the inside and outside of the screen shall be painted the same color to minimize visibility and mask the contrasting shape of the dish with building or landscape elements.*

Not applicable

- F. *New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.*

The proposed Cingular antennas will not be consolidated with the existing mechanical equipment as the equipment would not allow the height or separation needed for the effective functioning of the proposed antennas.

The existing antennas located on this building are not currently screened therefore the new antennas can be better integrated without consolidating the new and existing antennas.

- G. *Antennas mounted on a permitted accessory structure, such as a free standing sign, shall be integrated with design, material, shape and color and shall not be visibly distinctive from the structure.*

Not applicable.

- H. *A screen for a ground-mounted dish antenna shall be a minimum six (6) feet tall and shall extend to the top of the dish. The screen may be in the form of a view-obscuring fence, wall or hedge that shall be maintained in good condition. Chain link, plastic or vinyl fencing/screening is prohibited.*

Not applicable.

- I. *Antennas attached to a public facility, such as a water tank, shall be integrated with the design, material, shape and color of, and shall not be visibly distinctive from, the public facility. Antennas attached to City-owned poles shall follow the terms and conditions contained in Section 15.32.300.*

Not applicable.

- J. *Freestanding transmission towers shall minimize external projections from the support structure to reduce visual impacts and to the extent feasible shall integrate antennas in a screening structure with the same dimensions as external dimensions of the support structure, or shall mount antennas with as little projection from the structure as feasible. External conduits, climbing structures, fittings, and other projections from the external face of the support structure shall be minimized to the extent feasible.*

Not applicable.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
- a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this requirement does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The applicant's RF engineer, Lei Wong, has provided a letter dated March 25, 2003 stating that proposed antenna height of 10 feet, one inch (as depicted on the plans) above the existing roof is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible.

There are currently existing antennas provided by a different carrier, Verizon Wireless, which are lower in height than the proposed antennas. According to the applicant, the 10' 1" height is necessary in order for the antennas to operate within the existing network for Cingular Wireless. Requirements differ from carrier to carrier so the height of the existing antennas may work within Verizon's network but will not work within Cingular's.

If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this requirement does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatment, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY APPROVED**.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 20, 2002. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

Short-Term Impacts

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long Term Impacts

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

1. Screening shall be integrated with architectural design, material, shape and color that are sympathetic to that of a residential chimney.

SEPA CONDITIONS

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: _____ (signature on file) Date: October 27, 2003
Lori Swallow, Land Use Planner
Department of Planning and Development

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